S.B. Criminal Misc. Bail Application No.2895/2006

Date : 12.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Manish Pitaliya for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that contraband material Poppy Husk recovered from the possession of the accused-applicant is below commercial quantity. He also submits that provisions of Section 37 of the NDPS Act are not attracted in this case. He further submits that no investigation is to be made from the applicant and from last few months, accused-applicant is in jail, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Hemraj son of Gabba Banjara shall be released on bail in FIR No.123/2006 P.S. Rawatbhata, District Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.